

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

GOCLIPS LLC, and Z KEEPERS LLC,
Florida limited liability companies,

Plaintiffs,

Case No. 8:24-cv-204

v.

**HAIYAN HONGTAI METAL
PRODUCTS CO., LTD**

JURY TRIAL DEMANDED

Defendants.

COMPLAINT

Plaintiffs, GOCLIPS LLC (GoClips) and Z KEEPERS LLC (Z Keepers), for their Complaint against Defendant Haiyan Hongtai Metal Products Co., Ltd., (“Hongtai Metal”), allege as follows:

NATURE OF THE ACTION

1. Plaintiffs manufacture, market, sell and distribute patented devices used in anchoring sinks to the underside of hard countertop surfaces better known as *GoClips*®. *GoClips*® products include the following:



2. Defendant has in the past and continues to unlawfully manufacture, export, market, sell, and distribute counterfeit devices in the United States that are substantially the same as Plaintiffs’ patented *GoClips*® products. In addition, Defendant has infringed and diluted Plaintiff’s

trademark *GoClips*®, and has unlawfully used of Plaintiffs’ trade dress consisting in part of the product usage images and inherently distinctive shape and design of Plaintiff’s *GoClips* sink anchors. Plaintiffs are also entitled to damages from Defendant for Defendant’s unfair and deceptive trade practices. Finally, Plaintiffs seek to enjoin Defendant’s further export and sale of the counterfeit devices from China in the United States, as well as Defendant’s unlawful use of Plaintiff’s mark and trade dress in the United States.

THE PARTIES

3. Plaintiff, Z Keepers, is Florida limited liability company. Z Keepers provides manufacturing services for sink-anchoring products for the granite countertop industry, including *GoClips*® products. Z Keepers and GoClips are collectively referred to herein as “Plaintiffs”.

4. Plaintiff, GoClips, is a Florida limited liability company. GoClips is a distributor for sink-anchoring products for the granite countertop industry manufactured through Plaintiff, Z Keepers.

5. Defendant Hongtai Metal is a company formed in China having its base of operations in China’s Zhejiang province. Hongtai Metal exports, markets, sells, and distributes counterfeit sink anchoring clips that are identical in appearance, form and function to authentic *GoClips*® anchoring clamps used to undermount sinks to countertop surfaces.

JURISDICTION AND VENUE

6. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a) insofar as this is a civil action for patent infringement arising under the *Patent Act*, 35 U.S.C. §§ 271 *et seq.*, and for trademark infringement and false designation of origin under sections 32 and 43 of the *Lanham Act*, 15 U.S.C. §§ 1051 *et seq.*

7. This Court has personal jurisdiction over Defendant because Defendant engaged in substantial and not isolated activity within Florida consisting of the importing, marketing, sale and distribution of devices that infringe the patents at issue in this Complaint and by infringing Plaintiff's registered trademark in Florida.

8. Venue is proper in the Middle District of Florida pursuant to 28 U.S.C. §§ 1391(b)(1, 2) and 1400 insofar as (i) Defendant regularly conducts business in this District, (iii) a substantial part of the events giving rise to this action occurred in this District, and (iv) this case arises out of acts of infringement that Defendant committed within this District.

FACTS COMMON TO THE CLAIMS PLED

The '754 Patent

9. David Smith ("Smith") is a graduate of Georgia Institute of Technology and the inventor of *GoClips*® products. Smith spent decades in the home construction and remodeling industry, developing several products used by both professional installers and DIY project enthusiast used in anchoring sinks to countertops. Smith filed the application for his invention, described as "Sink Clamp and Methods", on or about December 10, 2014.

10. On November 28, 2017, U.S. Patent No. 9,828,754 (the "'754 patent'"), was issued by the United States Patent and Trademark Office ("USPTO") in the name of David Smith, entitled "Sink Clamp and Methods." A true copy of the '754 patent is attached as *EXHIBIT A*.

11. The '754 Patent describes and claims, among other things, a clamp and clamping method for undermounting a sink to a hard surface. All right title and interest in the '754 patent has been assigned to Z Keepers as recorded with the USPTO.

12. Plaintiff, GoClips has been granted marketing, sale and distribution rights for the invention claimed in the '754 patent.

13. Plaintiffs manufacture, market, sell and distribute *GoClips*® devices, which duly embody the claims of the ‘754 patent, including those depicted in paragraph 1 above.

The ‘193 Patent

14. In connection with the invention claimed in the ‘754 patent, Smith filed a continuation in part (CIP) application to reflect innovations in the invention and on August 13, 2019, the USPTO issued Smith patent numbered 10,378,193 (the “‘193 patent”) entitled “Sink Clamp and Methods.” A true copy of the ‘193 patent is attached as ***EXHIBIT B***.

15. The ‘193 Patent describes and claims, among other things, a clamp and clamping method for undermounting a sink to a hard surface.

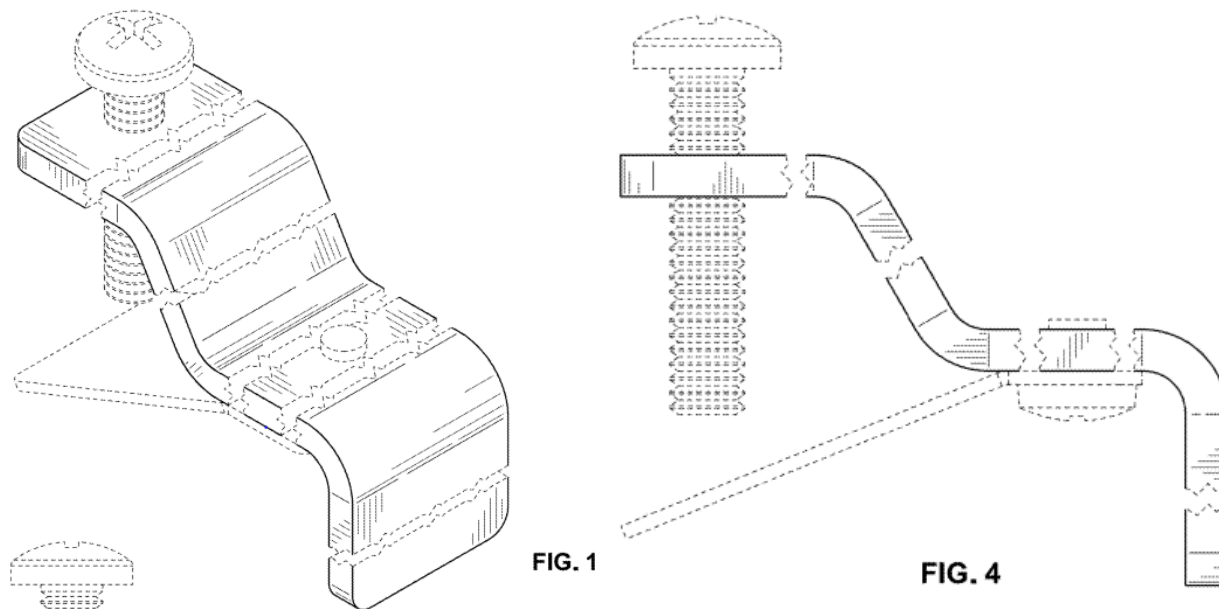
16. All right title and interest in the ‘193 patent has been assigned to Z Keepers as recorded with the USPTO. Plaintiff, GoClips has been granted marketing, sale and distribution rights for the invention claimed in the ‘193 patent.

17. Plaintiffs manufacture, market, sell and distribute *GoClips*® devices, which duly embody the claims of the ‘193 patent, including those depicted in paragraph 1 above.

Design Patent D855,447

18. In connection with the invention claimed in the ‘754 patent, Smith filed an application with the USPTO to protect the design elements of his embodiment of the sink clamp. On August 6, 2019, the USPTO issued Smith the design patent numbered D855,447 (the “‘D447 patent”) entitled “Sink Clamp”. A true copy of the ‘D477 patent is attached as ***EXHIBIT C***.

19. The ‘D447 Patent describes and claims, among other things, a unique ornamental design for the body of a sink clamp embodying an elegant, nonfunctional, uniform sloping transition from a horizontal to a vertical plane, which in part is depicted in the following figures:



20. These aesthetic qualities make Plaintiffs' product design distinctive in the marketplace.

21. All right title and interest in the 'D447 design patent has been assigned to Z Keepers as recorded with the USPTO.

22. Plaintiff, GoClips has been granted marketing, sale and distribution rights for the design claimed and described in the 'D447 patent.

23. Plaintiffs manufacture, market, sell and distribute *GoClips*[®] devices, which duly embody the design claimed and described in the 'D447 patent, including those depicted in paragraph 1 above.

Plaintiff's *GoClips*[®] Trademark and Trade Dress

24. On May 19, 2015, Plaintiff Z Keepers obtained registration with the USPTO of the trademark "*GoClips*". See USPTO registration number 4,739,200, a copy of which is attached hereto as ***EXHIBIT D***. Plaintiff GoClips has been granted rights to this mark to facilitate the promotion, marketing and sale of the *GoClips*[®] devices for Plaintiff Z Keepers.

25. Prior to December 13, 2014, no market participant had used the mark “*GoClips*” in connection with undermount sink clamping devices. Since as early as December 13, 2014, Plaintiffs have exclusively and continuously used the *GoClips* mark in connection with their promotion, marketing, sale and distribution of the *GoClips* devices.

26. Plaintiffs have advertised, marketed, and otherwise promoted the *GoClips*® mark in print media, on the internet (see e.g. <https://www.youtube.com/watch?v=lxJU5LH8MkQ>, <http://www.goclips.us/>, and https://www.amazon.com/GoClips-5-Second-Anchors-Undermount-Sinks/dp/B00YT822FU/ref=sr_1_2?crd=NCCDZ3GVOLE2&keywords=goclips&qid=1692206302&sprefix=goclips%2Caps%2C119&sr=8-2,

as well as at tradeshow and through their distribution network. By virtue of Plaintiffs’ promotion of the *GoClips*® trademark, the mark has become well known in the industry as associated with Plaintiffs, earning Plaintiffs valuable and residual goodwill and reputation in the minds of industry participants for being the source for *GoClips*® devices.

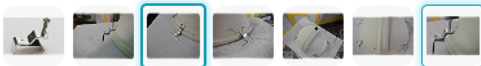
27. Plaintiffs have established a distinctive trade dress for *GoClips*® products which consists of a combination of the unique, elegant, low profile product designs, as well as images showing these *GoClips*® devices in use in different installation settings, employing the advertising slogan “5 second anchors”, and certain distinctive advertising verbiage on their ease of use. Examples are:



- Stainless Steel Rims and Tight Spaces
 - No Special Tools, Hammers, or Drills
 - Use a Standard Grinder & Blade to Make 1/2" Deep Slots
 - Self-Locking/Hands-Free
 - Quick Easy Professional
- Sink Rims up to 7/8"
 - No Special Tools, Hammers, or Drills
 - Use a Standard Grinder & Blade to Make 1/2" Deep Slots
 - Self-Locking/Hands-Free
 - Quick Easy Professional



Roll over image to zoom in



GoClips 5-Second Anchors for Undermount Sinks(Pack of 4)

Brand: Z Keepers LLC
4.7 ★★★★★ 38 ratings

\$5⁸⁰

Get \$50 off instantly: Pay \$0.00 \$5-80 upon approval for Amazon Visa. No annual fee.

Brand	Z Keepers LLC
Color	Silver
Material	Diamond
Installation Type	Undermount
Finish Type	Brushed

About this item

- Slot-Based Anchors that are Quick and Easy to Install
- Sink Rims Up To 3/4"
- Create 1/2" Deep Slots with 4"-6" Diamond Turbo Blade and Angle Grinder
- No Special Tools or Additional Parts Required-NO Drilling
- Used by Professionals-Easy Enough for non-Professionals

› See more product details



GENERAL ALLEGATIONS

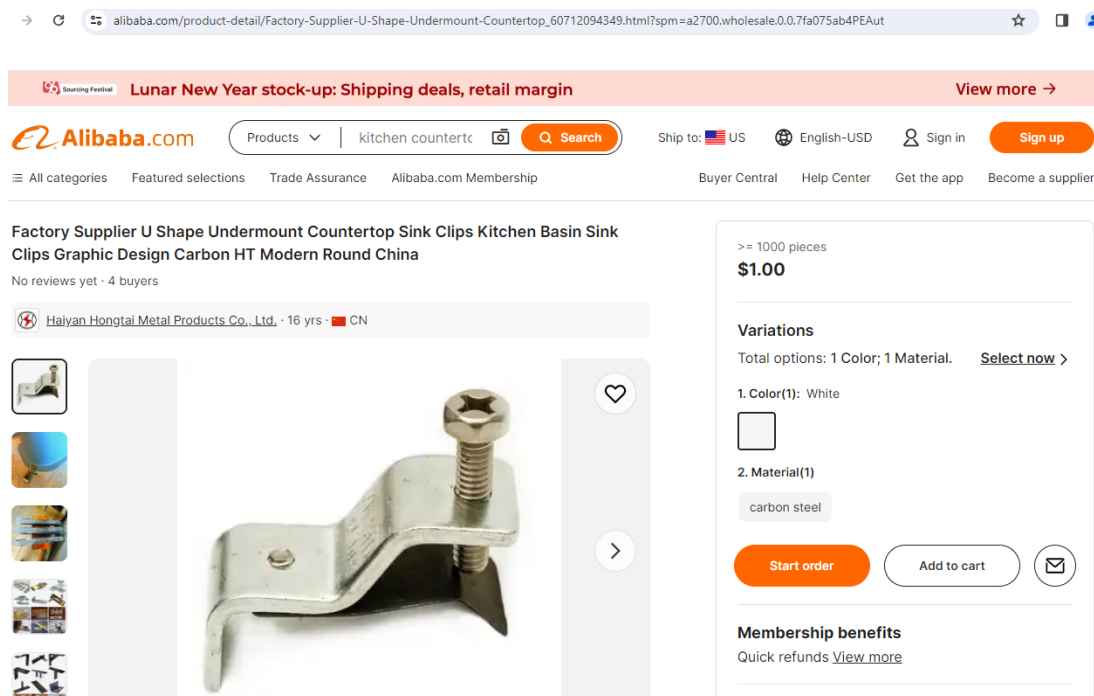
28. *GoClips*® devices are slot-based, sink anchors, which provide granite manufacturers and installers, home improvement companies, plumbers and do-it-yourself (DIY) consumers with a novel way to securely undermount sinks to granite and other hard countertop surfaces, quickly, easily and inexpensively, without interfering with under cabinet storage space. Because of their reliability, ease of use, strength, nominal profile, and low cost, *GoClips*® devices quickly gained a foothold among countertop manufacturers and installers, plumbers, sink installers, and DIY consumers as a secure, efficient and low cost way to undermount sinks to countertop surfaces.

29. Upon their launch, *GoClips* devices have been continuously sold in packages which were marked with the “*GoClips*” trademark. In addition, upon the USPTO granting the *GoClips* mark registration, the product packaging was updated to reflect the ® symbol following the *GoClips*® trademark.

30. Prior to patent grant, *GoClips*’ product packaging was marked “Patent Pending” to notify buyers of the pending patent application. Following the USPTO’s issuance of the ‘754 patent, and later following the issuance of the ‘193 patent, and the ‘D447 patent, respectively, *GoClips*’ product packaging was modified to reflect the patent numbers issued by the USPTO, and *GoClips*® have been so marked ever since.

31. Defendant is a manufacturer, marketer and distributor of metal devices. Defendant has established a manufacturing niche in the sink clip market space by copying the inventions of others, including Smith. Defendant has manufactured, exported from China, marketed, sold and distributed counterfeit sink anchoring clamps which embody the claims of the ‘754 patent and the ‘193 patent, as further described in the Claim Chart attached as *EXHIBIT E*. Depicted in the claim chart are the counterfeit devices which Defendant is presently exporting, selling and distributing throughout the United States, including this District. As reflected in the claim chart, Defendant has counterfeited Plaintiff’s D447 design patent in one or more of Defendant’s device offerings.

32. Upon information and belief, when marketing, selling and delivering, counterfeit devices, Defendant identifies their counterfeit devices using pictures of authentic GoClips devices, some of which were copied from the GoClips website above. For example, Defendant maintains a website, and sells through the Alibaba.com online marketplace, which consumers can access in this District which shows the following pictures:





Products ▾

kitchen sink

Key attributes

Customization

Know your supplier

Product de



Product Description

Material	Steel
Color	Sliver
Packing	50pcs with a bag , 10 bags with a case
MOQ	1pcs
Lead Time	have large in stock can delivery it right now
Payment terms	T/T ,30%deposit ,70% against copy of B/L



ytwdjq.en.alibaba.com/product/530260057-221791470/kitchen_sink_clips_undermount_sink_clips_bathroom_sink_clip.html?spm=a2700.icbuShop.rect38f22d.2.2920...

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All categories Featured selections Trade Assurance Alibaba.com Membership Buyer Central Help Center Get the app Become a member

kitchen sink clips,undermount sink clips,bathroom sink clip

No reviews yet · 5 buyers

Haiyan Hongtai Metal Products Co.,Ltd. · 16 yrs · CN



Ready to Ship

Minimum order quantity: 10000 pieces
\$1.00

Variations
Total options: 1 Color; 1 Material. [Select](#)

1. Color(1): White

2. Material(1)
Stainless steel

[Start order](#) [Add to cart](#)

Product - Haiyan Hongtai Metal

Not secure hongtaimetal.com/product.asp?classid=0&page=5

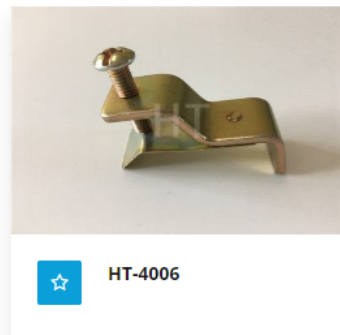
Hi Hongtai Metal [Home](#) [About Us](#) [Product](#)

All product

- Product**
- DC Motor Housing
 - Furniture Accessories
 - Joist Hanger Timber Connector
 - Kitchen Sink Clips
 - Nonstandard Metal Stamping



HT-4007



HT-4006



Not secure

hongtaimetal.com/news.asp?id=225

Undermount Sink Clips, Sink Brackets, Bathroom Sink Clips

Dishwasher Mounting Bracket Kit for Granite and Quartz Countertops

Simply solve your sink installation problem



33. Also on its website, Defendant falsely contends that it has a patent on “GoClips” sink clamps.

34. Yet when exporting devices into the United States and when delivering devices to customers domiciled in the United States, Defendant identifies the knockoff devices as “Quick

Clips” on the packaging for the counterfeit devices and in Defendant’s purchase orders and invoicing. An example image of Defendant’s packaging for the counterfeit devices:



35. In size, shape, and appearance, the knockoff devices, which Defendant manufactures, exports to the United States, sells and distributes under the names “Go Clips” and “QUICK CLIPS”, are the same in function and form to authentic *GoClips*[®] devices.

36. On December 2, 2017, Smith informed Defendant of the United States patent issued on Plaintiff’s GoClips products and demanded that Defendant cease and desist from further manufacturing and export of Defendant’s counterfeit devices.

37. On December 4, 2017, Defendant apologized, acknowledged that its conduct was illegal, and promised to “stop exporting goclip to all US. A true copy of Defendant’s communication to Smith is attached hereto as ***EXHIBIT F***.

38. Plaintiffs reasonably relied upon Defendant’s promises.

39. Although it appeared that Defendant had ceased exporting counterfeit GoClips products to the United States, Plaintiffs later learned that Defendant in fact resumed exporting

counterfeit GoClips products into the United States, and is presently in the act of marketing, selling and distributing counterfeit GoClips products to U.S. based customers.

40. Defendant's misconduct described herein is knowing, willful and deliberate. Defendant has purposefully targeted GoClips customers with Defendant's counterfeit sink anchors depicted above with a design to put Plaintiffs out of business.

41. Defendant has undercut Plaintiffs' marketing, sales and distribution efforts, sowing confusion in the United States by pumping hundreds of thousands of counterfeit GoClips products into the U.S. stream of commerce.

42. Defendant has taken unfair advantage of the goodwill that Plaintiffs have established with *GoClips*® products in the United States, in order to trade upon the trust consumers and market participants possess in the strength, speed and efficacy of the *GoClips*® products.

43. Upon information and belief, Defendant continues to violate Plaintiffs' rights with respect to the '754, '193 and D447 patents and continues to damage Plaintiffs by exporting, marketing, selling and distributing knockoff products under the tradename *GoClips* and QuickClips, using GoClips' trade dress, and diluting GoClips mark, by delivering such counterfeit products, and Defendant's conduct will continue if not enjoined.

44. As a result of Defendant's intentionally deceptive, willful and wanton misconduct, this case is "exceptional" within the meaning of 35 U.S.C. § 285 and within the meaning of the Lanham Act, 15 U.S.C. § 1117(a). Moreover, Plaintiffs have been irreparably harmed by Defendants' misconduct.

45. Plaintiffs have retained the undersigned counsel to represent them in this action and have agreed to pay said counsel a reasonable fee.

46. All requisite conditions to the filing of this action have occurred or been waived by Defendant.

COUNT I – INFRINGEMENT OF THE ‘754 PATENT BY HONGTAI METAL

47. Plaintiffs adopt by reference paragraphs 1 through 46 of this Complaint as though more fully set forth herein.

48. This is an action for patent infringement against Defendant pursuant to 35 U.S.C. §§ 271 *et seq.*

49. Defendant has willfully, deliberately, and intentionally infringed the ‘754 patent as more specifically described above and in the claim chart attached as **EXHIBIT E**. Defendant’s infringing conduct constitutes literal infringement of the ‘754 patent and/or infringement under the doctrine of equivalents.

50. On information and belief, Defendant intends to continue its infringing activities described herein.

51. Defendant’s knockoff products are near identical copies of Plaintiffs’ *GoClips*® devices, and Defendant’s knockoff products have no alternate, non-infringing use.

52. Defendant has been placed on notice of the ‘754 patent and is on notice of Plaintiffs’ *GoClips*® products, and yet continued to infringe the ‘754 patent.

53. Defendant’s acts as described above have been without right, license, or permission from Plaintiffs.

54. Defendant’s willful, deliberate, and intentional infringement of the ‘754 patent has caused the Plaintiff irreparable harm and damages, including lost sales, lost profits, lost sales opportunities, and loss of goodwill, in an amount to be determined at trial.

55. Defendant's willful, deliberate, and intentional infringement of the '754 patent entitles the Plaintiffs to recover, among other things, their treble damages, reasonable attorneys' fees, and costs under 35 U.S.C. §§ 284 and 285.

56. Plaintiffs have no adequate remedy at law without the intervention of this Court and monetary damages alone are insufficient to compensate Plaintiffs. Accordingly, in addition to damages, Plaintiffs are entitled to preliminary and/or permanent injunctive relief.

COUNT II – INFRINGEMENT OF THE '193 PATENT BY HONGTAI METAL

57. Plaintiffs adopt by reference paragraphs 1 through 46 of this Complaint as though more fully set forth herein.

58. This is an action for patent infringement against Defendant pursuant to 35 U.S.C. §§ 271 *et seq.*

59. Defendant has willfully, deliberately, and intentionally infringed the '193 patent as more specifically described above and in the claim chart attached as **EXHIBIT E**. Defendant's infringing conduct constitutes literal infringement of the '193 patent and/or infringement under the doctrine of equivalents.

60. On information and belief, Defendant intends to continue its infringing activities described herein.

61. Defendant's knockoff products are near identical copies of Plaintiffs' *GoClips*® devices, and Defendant's knockoff products have no alternate, non-infringing use.

62. Defendant's acts as described above have been without right, license, or permission from Plaintiffs.

63. Defendant's willful, deliberate, and intentional infringement of the '193 patent has caused the Plaintiff irreparable harm and damages, including lost sales, lost profits, lost sales opportunities, and loss of goodwill, in an amount to be determined at trial.

64. Defendant's willful, deliberate, and intentional infringement of the '193 patent entitles the Plaintiffs to recover, among other things, their treble damages, reasonable attorneys' fees, and costs under 35 U.S.C. §§ 284 and 285.

65. Plaintiffs have no adequate remedy at law without the intervention of this Court and monetary damages alone are insufficient to compensate Plaintiffs. Accordingly, in addition to damages, Plaintiffs are entitled to preliminary and/or permanent injunctive relief.

COUNT III – INFRINGEMENT OF THE 'D447 PATENT BY HONGTAI METAL

66. Plaintiffs adopt by reference paragraphs 1 through 46 of this Complaint as though more fully set forth herein.

67. This is an action for patent infringement against Defendant pursuant to 35 U.S.C. §§ 271 *et seq.*

68. Defendant has willfully, deliberately, and intentionally infringed the 'D447 patent as more specifically described above, by manufacturing or importing, and thereafter, advertising, marketing and selling counterfeit knockoff devices that embody the design elements described in the 'D447 patent, such that Defendant's knockoff products are near identical copies of Plaintiffs' *GoClips®* devices.

69. On information and belief, Defendant Hongtai Metal intends to continue its infringing activities described herein.

70. Defendant's acts as described above have been without right, license, or permission from Plaintiffs.

71. Defendant's willful, deliberate, and intentional infringement of the 'D447 patent has caused the Plaintiff irreparable harm and damages, including lost sales, lost profits, lost sales opportunities, and loss of goodwill, in an amount to be determined at trial.

72. Defendant's willful, deliberate, and intentional infringement of the 'D447 patent entitles the Plaintiffs to recover, among other things, their treble damages, reasonable attorneys' fees, and costs under 35 U.S.C. §§ 284 and 285.

73. Plaintiffs have no adequate remedy at law without the intervention of this Court and monetary damages alone are insufficient to compensate Plaintiffs. Accordingly, in addition to damages, Plaintiffs are entitled to preliminary and/or permanent injunctive relief.

**COUNT IV – TRADEMARK INFRINGEMENT AND
LANHAM ACT VIOLATIONS AGAINST HONGTAI METAL**

74. Plaintiffs adopt by reference paragraphs 1 through 46 of this Complaint as though more fully set forth herein.

75. This is an action against Defendant Hongtai Metal for trademark and trade dress infringement, dilution, and false designation of origin under the *Lanham Act*.

76. *GoClips*® has gained a reputation as offering a robust, secure, quick, easy and low cost means of undermounting sinks in the kitchen and bathroom construction, improvement and remodeling marketplace. Through their advertising, marketing, product images, and elegant product designs, Plaintiffs have created a unique trade dress for selling *GoClips*® products to the consuming public.

77. Defendant Hongtai Metal willfully, deliberately, and intentionally imported, marketed, sold and distributed counterfeits of the *GoClips*® device, copying Plaintiff's trade dress, and thereafter marketed, sold and distributed these counterfeit devices that were nearly identical to authentic *GoClips* using Plaintiffs' registered trademark *GoClips*®, using Plaintiffs'

trade dress consisting of Plaintiffs' product designs and marketing images in an effort to cloak Defendant's knockoff devices as authentic *GoClips*® devices.

78. By marketing, selling and distributing counterfeit *GoClips*® devices with identical designs, using Plaintiff's *GoClips*® trademark, and using Plaintiffs' marketing images, and then placing these knockoff products into the stream of commerce using another product name, "Quick Clips", Defendant has caused and is likely to continue to cause confusion, mistake, deception, or misunderstanding as to the source, origin, sponsorship, affiliation, or approval of Defendant's goods, and unfair competition in violation of the Lanham Act, 15 U.S.C. §§ 1114 and 1125(a).

79. By later delivering Defendant's counterfeit devices under the name "Quick Clips", Defendant has diluted Plaintiff's *GoClips*® trademark under 15 U.S.C. § 1125(c).

80. Defendant Hongtai Metal's acts described above constitute materially false representations of fact that are likely to cause confusion, mistake, or deception as to the source, origin, sponsorship, affiliation, or approval of Defendant's goods in violation of the Lanham Act.

81. Defendant is willfully offering for sale and selling counterfeit *GoClips*® devices that infringe Plaintiff's trademark and trade dress in order to benefit from Plaintiffs' goodwill and reputation. Defendant is also falsely creating an association between Defendant's counterfeit devices and Plaintiffs' authentic *GoClips*® devices.

82. Defendant Hongtai Metal's acts as described above have been without right, license, or permission from Plaintiffs.

83. Defendant's willful, deliberate, and intentional infringement of Plaintiff's *GoClips*® trademark and trade dress has caused the Plaintiffs irreparable harm and damages, including lost sales, lost profits, lost sales opportunities, and loss of goodwill, in an amount to be determined at trial.

84. On information and belief, Defendant intends to continue its infringing activities described herein.

85. Because of Defendant's infringement of Plaintiffs' trademark and counterfeiting, Plaintiffs are entitled to recover, among other things, their treble damages, reasonable attorneys' fees, and costs under 15 U.S.C. §§ 1114 and 1117.

86. Pursuant to 15 U.S.C. § 1118, Plaintiffs are entitled to a judgment seizing and mandating the destruction of Defendant's infringing articles.

87. Plaintiffs have no adequate remedy without the intervention of this Court and monetary damages are insufficient to compensate Plaintiffs. Accordingly, Plaintiffs are entitled to preliminary and/or permanent injunctive relief pursuant to 15 U.S.C. § 1116.

COUNT V – VIOLATION OF FLORIDA DUTPA BY DEFENDANT HONGTAI METAL

88. Plaintiffs adopt by reference paragraphs 1 through 46 and 66 through 87 of this Complaint as though more fully set forth herein.

89. This is an action for violation of Florida's Deceptive and Unfair Trade Practices Act, Fla. Stat. § 501.201 *et seq.*

90. Defendant Hongtai Metal willfully, deliberately, and intentionally manufactured and exported counterfeits of the *GoClips*® device, and thereafter advertised, marketed, sold and distributed these counterfeit devices, which were nearly identical to authentic *GoClips* devices, by misleading the consuming public that they were purchasing authentic *GoClips*® devices and by adopting Plaintiffs' trade dress as described above.

91. Defendant Hongtai Metal's acts described above constitute materially false representations of fact that have caused confusion, mistake, or deception as to the source, origin, sponsorship, and affiliation of Defendant's goods in violation of Florida Statute section 501.204.

92. By placing these knockoff products into the stream of commerce using a false designation of origin, and palming off the counterfeit devices as *GoClips*® devices, Defendant has caused and is likely to continue to cause confusion, mistake, deception, or misunderstanding as to the source, origin, sponsorship, and affiliation of Defendant's goods, and constitutes unfair competition in violation of Florida law.

93. Defendant continues to willfully offer for sale and is selling nearly identical counterfeit devices, misleading the consuming public that Defendant knows are counterfeit *GoClips*® devices in order to improperly benefit from Plaintiffs' goodwill and reputation.

94. Defendant Hongtai Metal's acts as described above have been without right, license, or permission from Plaintiffs.

95. Defendant's conduct as described above has caused the Plaintiffs irreparable harm and actual damages in an amount to be determined at trial.

96. On information and belief, Defendant intends to continue its deceptive and unfair trade practices described herein.

97. Plaintiffs have no adequate remedy without the intervention of this Court and monetary damages are insufficient to compensate Plaintiffs. Accordingly, Plaintiffs are entitled to preliminary and/or permanent injunctive relief under Florida Statute section 501.211(1).

98. Plaintiffs are entitled to the recovery of their reasonable attorneys' fees, and costs under Florida Statute section 501.2105.

PRAYER FOR RELIEF AS TO ALL COUNTS

WHEREFORE, Plaintiffs respectfully request that this Court:

(i) Enter judgment in favor of Plaintiffs and against Defendant for the infringement of the '754, '193 and 'D447 patents;

(ii) Enter judgment in favor of Plaintiffs and against Defendant for willfully infringing the '754, '193 and 'D447 patents;

(iii) Enter judgment in favor of Plaintiffs and against Defendant for damages for patent infringement under 35 U.S.C. § 284, pre and post judgment interest, and awarding Plaintiff recovery of their costs;

(iv) Award Plaintiffs enhanced damages under 35 U.S.C. § 284 for Defendant's willful infringement of the '754, '193 and 'D447 patents;

(v) Award Plaintiffs recovery of their costs for bringing this lawsuit, including litigation expenses, and expert witness fees as the prevailing party;

(vi) Enter an order declaring this case exceptional under 35 U.S.C. § 285 and a judgment in favor of Plaintiffs requiring Defendants to pay Plaintiffs reasonable attorneys' fees, litigation expenses, expert witness fees, and costs;

(vii) Enter judgment in favor of Plaintiffs and against Defendant for its infringement of Plaintiffs' trademark *GoClips*®;

(viii) Enter judgment in favor of Plaintiffs and against Defendant for counterfeiting Plaintiffs' devices under Plaintiff's trademark *GoClips*®;

(ix) Enter judgment in favor of Plaintiffs and against Defendant for damages for trademark infringement and unfair competition under 15 U.S.C. § 1117(a), lost profits, pre and post judgment interest, and awarding Plaintiffs recovery of their costs;

(x) Award Plaintiffs treble damages under 15 U.S.C. § 1117(b) for Defendant's violation of 15 U.S.C. § 1114(1)(a) for counterfeiting;

(xi) Enter an order declaring this case exceptional under 15 U.S.C. § 1117 and a judgment in favor of Plaintiffs requiring Defendant to pay Plaintiffs reasonable attorneys' fees, litigation expenses, expert witness fees, and costs;

(xii) Enter an order preliminarily enjoining and a judgment permanently enjoining Defendant, Defendants' officers, agents, employees, affiliates, subsidiaries, franchisees, distributors, customers and all persons and entities acting in concert with the Defendant, or on behalf of the Defendants from making, exporting to the United States, importing into the United States, marketing, using, selling, offering for sale, or selling the counterfeit GoClips products and any other product that infringes any claim of the '754, '193 and 'D447 patents;

(xiii) Enter an order preliminarily enjoining and a judgment permanently enjoining Defendant, Defendant's officers, agents, employees, affiliates, subsidiaries, franchisees, distributors, customers and all persons and entities acting in concert with the Defendants, or on behalf of the Defendant from using Plaintiff's registered trademark *GoClips*[®], from false designation of origin and palming off counterfeit devices on the consuming public, and engaging in the deceptive and unfair trade practices described above, and mandating the destruction of infringing articles pursuant to 15 U.S.C. §§ 1117-1118;

(xiv) Enter an order declaring that Defendant's acts and practices violate Florida Statute section 501.204.

(xv) Award Plaintiffs their damages pursuant to Florida State section 501.211.

(xvi) Award Plaintiffs their reasonable attorneys' fees and costs pursuant to Florida statute section 501.2105.

(xvii) Award Plaintiffs any other and further relief that the Court deems just and appropriate under the law.

JURY TRIAL DEMAND

Plaintiffs demand trial by jury on all issues so triable.

PIERSON FERDINAND, LLP

/s/ Charles G. Geitner

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